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Patent

PR-50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Applicant: Udo Schütz
Serial No: 10/664,181
Filed: September 17, 2003
For: TRANSPORT AND STORAGE CONTAINER FOR LIQUIDS AND
METHOD FOR MANUFACTURING AN INNER PLASTIC CONTAINER
OF THE TRANSPORT AND STORAGE CONTAINER
Examiner: Harry A Grosso
Art Unit: 3781

Mail Stop Appeal Briefs-Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

SUBMISSION OF BRIEF ON APPEAL

SIR:

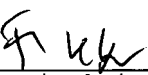
Submitted herewith is a Brief On Appeal in support of the
appeal filed June 18, 2007.

The amount of \$250.00 to cover the fee for filing an appeal brief is being charged as per attached form PTO-2038 pursuant to 37 CFR §1.17 (f).

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.


Respectfully submitted,

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By 
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Dated: August 17, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 17, 2007.

By:  Date: August 17, 2007
Friedrich Kueffner

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BRIEF ON APPEAL

S I R:

This appeal is taken from the Final Action mailed December 18,
2006.

Real Party in Interest

The real party in interest in the above-identified application is:

PROTECHNA S.A.
Rue Saint-Pierre 8
CH-1701 Fribourg
Switzerland

Related Appeals and Interferences

There are no related appeals or interferences of which Applicant is aware regarding the above-identified application.

Status of Claims

Claims 1, 3, 5 and 7 are pending in the application and are subject to the present appeal. Claims 2, 6 and 8 to 14 have been canceled.

Claim 4 stands withdrawn from further consideration as being drawn to a non-elected embodiment.

Status of Amendments After Final Rejection

An amendment in response to the Final Office Action of December 18, 2006 was filed on May 18, 2007. The Amendment was entered upon the filing of the present appeal, as indicated in the Advisory Action dated June 15, 2007.

Summary of the Claimed Subject Matter

The claimed invention will now be summarized with reference to the drawings being made by way of reference numerals.

The invention is directed to a transport and storage container for liquids.

As illustrated in Fig. 1 of the drawing and as described in the first paragraph on page 10 of the specification, the transport and storage container includes a pallet-shaped support frame 16 of metal or of an electrically conducting plastic material. An exchangeable inner container 2 of plastic material is supported on the support frame 16 and has four side walls 5, 6, a bottom 7 and a top 8, as described in the second paragraph on page 10 of the specification. As described in the first paragraph on page 10 of the specification, the inner container 2 further includes an upper

closable fill socket 9 and a lower outlet socket 11 with a tapping fixture 12 or an upper closable tapping socket. An outer jacket 13 surrounds the inner container 2 and is composed of grade bars 14, 15 of metal or sheet metal. The inner container 2 has a single-layer or multi-layer body, as is clear from the paragraph bridging pages 10 and 11 of the specification. The inner container is produced by extrusion blow molding, as described in the second to last paragraph of the specification. As set forth in the first full paragraph on page 12 of the specification, the inner container 2 has integral electrically conducting sections 23 of an electrically conducting plastic material, wherein the electrically conducting sections 23 form electrical connections between an inner surface 25 and an outer surface 26 of the inner container 2. The electrically conducting sections 23 are strips 24 having a thickness matching a wall thickness of the inner container 2. The electrically conducting strips 23 extend across at least one of the side walls 3 to 6 and/or the corner areas 28 between the side walls 3 to 6 of the inner container 2.

Grounds of Rejection to be Reviewed on Appeal

The following grounds are presented for review:

Whether claims 1, 3, 5 are unpatentable under 35 U.S.C.

103(a) over Schütz (US 6050437) in view of DE 7341620, and whether Claim 7 is unpatentable under 35 U.S.C. 103(a) over Schütz (US 6050437) and DE 7341620, in further in view of the Patent Application of Lucke.

Argument

The Rejection of Claims 1, 3, 5 under 35 U.S.C. 103(a), as being unpatentable over Schütz in view of DE 7341620:

It is Applicants' position that the rejection of the claims is erroneous for the following reasons.

The reference to Schütz discloses a transport and storage container for liquids, having a pallet-shaped support frame of metal or of an electrically conducting plastic material, an exchangeable inner container of plastic material supported on the support frame and having four sidewalls, a bottom, and a top, wherein the inner container further comprises an upper closable fill socket and a lower outlet socket with a tapping fixture or an upper closable tapping socket, and an outer jacket surrounding the inner container and being comprised of grade bars of metal or sheet metal.

On the plastic inner container 2 is a sheathing 18 made of an electrically conductive material in the form of a lattice basket or lattice hood 19 of thin metal wire. Further sheathing 18 of the plastic container 2 of the transport and storage container 1 can be a net or fabric of metal or electrically conductive plastic material, wherein the additional sheathing is wound around or pulled over the inner container 2.

Contrary to the position taken by the Examiner, the plastic inner container of Schütz is not a multi-layer body, nor does the inner container have integral electrically conductive sections that form electrical connections between an inner surface and an outer surface of the inner container.

DE 7341620 discloses a transport tank made of fiberglass reinforced reaction resistant resin material for storing flammable liquids. The tank shown in Figs. 1-3 of the reference has a cylindrical jacket part 1 made by a winding process, with glued on or laminated on bottoms 2 and an electrically conductive manhole support 3. The cylindrical jacket part 1 and the bottoms 2 are transparent and contain a conductive grid 4 which at the contact positions of the jacket part and at the bottoms 2 are conductively connected through the laminate 5. The manhole

support 3 is conductively connected by the electrical conductor 6 or a different conductor with the laminate 5.

The cylindrically wound jacket part is made of a reaction resin, for example a matrix of unsaturated polyester resin and fiber reinforcements, for example glass fibers. According to the first position, the electrically conductive grid 4 is embedded to be spaced between 0.2 and 2 mm from the inner top surface by an electrically conductive fleece 7 (Fig. 2). This conductive grid extends over by a few centimeters at the ends of the cylindrical jacket part 1. Further buildup of the cylindrical jacket follows with roving winding positions 8 alternating with flat fiber glass reinforcements 9. For electrical grounding of the jacket part 1, the overlapping ends of the fleece 7 that is arranged at the inner side of the jacket part 1 is folded onto the upper side of the jacket part 1 so that there is an electrically conductive connection between the inner surface and the outer surface of the cylindrical jacket 1.

In contrast, with the blown extrusion formed multilayered plastic inner container 2 of the transport and storage container of the present invention, strips 24 of electrically conductive plastic are imbedded in the body 22, the strength of the strips corresponding to the wall strength 27 of the inner container 2.

For electrical grounding of the inner container 2, the electrically conductive strips 24 form electrical connections between the inner surface 25 and the upper surface 26 of the inner container 2.

The type and manner of the electrical grounding of DE 7341620 and the type and manner of grounding in the presently claimed invention are completely different.

The Examiner combined these references in determining that claims 1, 3 and 5 would be unpatentable over such a combination. Applicant respectfully submits that the combination of references does not teach the invention as recited in the claims presently on file.

In the present invention, as recited in claim 1, the inner container has a single-layer or multi-layer body, and has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein the electrically conducting sections form electrical connections between an inner surface and an outer surface of the inner container. The electrically conducting sections are strips having a thickness matching a wall thickness of the inner container, and the electrically conducting strips extend across at least one of

the sidewalls and/or the corner areas between the sidewalls of the inner container. Such a construction is not taught or suggested by the combination of references cited by the Examiner.

The plastic inner container of Schütz is not constructed as a multi-layer body, nor does Schütz teach that the inner container has sections comprised of an electrically conducting plastic material strips that extend across a side wall of the inner container. The Examiner's reference that these features can be found in Figs. 3 and 1 with the reference numeral 4 is incorrect since Schütz does not have a Fig. 3 and reference numeral 4 is the upper wall of the plastic inner container 2.

On the plastic inner container 2 of Schütz is a sheathing 18 made of an electrically conductive material in the form of a lattice basket or lattice hood 19 of thin metal wire. Further sheathing 18 of the plastic container 2 of the transport and storage container 1 can be a net or fabric of metal or electrically conductive plastic material, wherein the additional sheathing is wound around or pulled over the inner container 2.

Thus, contrary to the position taken by the Examiner, the plastic inner container of Schütz is not a multi-layer body, nor does the inner container have integral electrically conductive

sections that form electrical connections between an inner surface and an outer surface of the inner container, as in the presently claimed invention. Furthermore, Schütz also does not teach that the electrically conducting sections are strips of electrically conducting plastic having a thickness matching a wall thickness of the inner container.

Conclusion

Accordingly, in view of the above considerations, it is submitted that the Examiner's rejection of Claims 1, 3, 5 and 7 is in error and should be reversed.

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Respectfully submitted,

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August 17, 2007

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CERTIFICATE OF MAILING

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By: *FK*
Friedrich Kueffner

Date: August 17, 2007

Claims Appendix

1. (Currently amended) A transport and storage container for liquids comprising:
 - a pallet-shaped support frame of metal or of an electrically conducting plastic material;
 - an exchangeable inner container of plastic material supported on the support frame and having four sidewalls, a bottom, and a top;wherein the inner container further comprises an upper closable fill socket and a lower outlet socket with a tapping fixture or an upper closable tapping socket;
 - an outer jacket surrounding the inner container and being comprised of grade bars of metal or sheet metal;wherein the inner container is produced by extrusion blow molding and has a single-layer or multi-layer body;
wherein the inner container has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein the electrically conducting sections form electrical connections between an inner surface and an outer surface of the inner container;

wherein the electrically conducting sections are strips having a thickness matching a wall thickness of the inner container;

wherein the electrically conducting strips extend across at least one of the sidewalls and/or the corner areas between the sidewalls of the inner container.

2. (Canceled)
3. (Previously presented) The container according to claim 1, wherein the electrically conducting strips have a vertical extension.
4. (Withdrawn) The container according to claim 3, wherein the electrically conducting strips extend across the sidewalls and the bottom of the inner container.
5. (Original) The container according to claim 3, wherein the electrically conducting strips extend across the sidewalls, the bottom, and the top of the inner container.
6. (Canceled)

7. (Previously presented) The container according to claim 1, wherein the inner container comprises a permanently antistatic outer layer.
- 8-14. (Canceled)

Evidence Appendix

N.A.

Related Proceedings Appendix

There are no related proceedings.